

**REPORT OF THE AUDIT OF THE
FLEMING COUNTY
SHERIFF'S SETTLEMENT - 2004 TAXES**

April 4, 2005



**CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS
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EXECUTIVE SUMMARY
AUDIT EXAMINATION OF THE
FLEMING COUNTY
SHERIFF'S SETTLEMENT - 2004 TAXES

April 4, 2005

The Auditor of Public Accounts has completed the audit of the Sheriff's Settlement - 2004 Taxes for Fleming County Sheriff as of April 4, 2005. We have issued an unqualified opinion on the financial statement taken as a whole. Based upon the audit work performed, the financial statement is presented fairly in all material respects.

Financial Condition:

The Sheriff collected taxes of \$3,484,378 for the districts for 2004 taxes, retaining commissions of \$133,859 to operate the Sheriff's office. The Sheriff distributed taxes of \$3,343,453 to the districts for 2004 Taxes. Taxes of \$665 are due to the districts from the Sheriff and refunds of \$614 are due to the Sheriff from the taxing districts.

Report Comment:

- The Sheriff's Office Lacks Adequate Segregation Of Duties

Deposits:

The Sheriff's deposits were insured and collateralized by bank securities.

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CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

To the People of Kentucky

Honorable Ernie Fletcher, Governor

Robbie Rudolph, Secretary

Finance and Administration Cabinet

Honorable Larry Foxworthy, Fleming County Judge/Executive

Honorable Jerry Wagner, Fleming County Sheriff

Members of the Fleming County Fiscal Court

Independent Auditor's Report

We have audited the Fleming County Sheriff's Settlement - 2004 Taxes as of April 4, 2005. This tax settlement is the responsibility of the Fleming County Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for Sheriff's Tax Settlements issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff's office prepares the financial statement on a prescribed basis of accounting that demonstrates compliance with the modified cash basis, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the Fleming County Sheriff's taxes charged, credited, and paid as of April 4, 2005, in conformity with the modified cash basis of accounting.

In accordance with Government Auditing Standards, we have also issued our report dated August 26, 2005 on our consideration of the Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be read in conjunction with this report in considering the results of our audit.



To the People of Kentucky

Honorable Ernie Fletcher, Governor

Robbie Rudolph, Secretary

Finance and Administration Cabinet

Honorable Larry Foxworthy, Fleming County Judge/Executive

Honorable Jerry Wagner, Fleming County Sheriff

Members of the Fleming County Fiscal Court

Based on the results of our audit, we present the accompanying comment and recommendation, included herein, which discusses the following report comment:

- The Sheriff 's Office Lacks Adequate Segregation Of Duties

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", written in a cursive style.

Crit Luallen

Auditor of Public Accounts

Audit fieldwork completed -
August 26, 2005

FLEMING COUNTY
JERRY WAGNER, COUNTY SHERIFF
SHERIFF'S SETTLEMENT - 2004 TAXES

April 4, 2005

<u>Charges</u>	<u>County Taxes</u>	<u>Special Taxing Districts</u>	<u>School Taxes</u>	<u>State Taxes</u>
Real Estate	\$ 597,835	\$ 600,539	\$ 1,279,513	\$ 477,569
Tangible Personal Property	51,010	50,948	110,421	76,631
Intangible Personal Property				27,423
Fire Protection	1,806			
Franchise Corporation	70,756	70,208	154,252	
Additional Billings	27	27	58	42
Limestone, Sand, and Mineral Reserves	170	170	363	136
Penalties	5,510	5,536	11,778	4,440
Adjusted to Sheriff's Receipt	2	17	7	7
Gross Chargeable to Sheriff	<u>\$ 727,116</u>	<u>\$ 727,445</u>	<u>\$ 1,556,392</u>	<u>\$ 586,248</u>
<u>Credits</u>				
Exonerations	\$ 3,068	\$ 3,068	\$ 6,568	\$ 2,517
Discounts	9,099	9,107	19,432	8,259
Delinquents:				
Real Estate	9,030	9,092	19,268	7,191
Tangible Personal Property	8	8	18	22
Uncollected Franchise	1,734	1,539	3,795	
Total Credits	<u>\$ 22,939</u>	<u>\$ 22,814</u>	<u>\$ 49,081</u>	<u>\$ 17,989</u>
Taxes Collected	\$ 704,177	\$ 704,631	\$ 1,507,311	\$ 568,259
Less: Commissions *	<u>30,215</u>	<u>29,465</u>	<u>49,741</u>	<u>24,438</u>
Taxes Due	\$ 673,962	\$ 675,166	\$ 1,457,570	\$ 543,821
Taxes Paid	672,543	673,587	1,455,277	542,046
Refunds (Current and Prior Year)	<u>1,212</u>	<u>1,223</u>	<u>2,735</u>	<u>1,845</u>
Due Districts or (Refunds Due Sheriff)		**		
as of Completion of Fieldwork	<u>\$ 207</u>	<u>\$ 356</u>	<u>\$ (442)</u>	<u>\$ (70)</u>

* and ** See page 4

The accompanying notes are an integral part of this financial statement.

FLEMING COUNTY
 JERRY WAGNER, COUNTY SHERIFF
 SHERIFF'S SETTLEMENT - 2004 TAXES
 April 4, 2005
 (Continued)

* Commissions:

10% on	\$	10,000
4.25% on	\$	1,774,318
4% on	\$	192,744
3.3% on	\$	1,507,311

** Special Taxing Districts:

Library District	\$	(27)
Health District		(23)
Extension District		(22)
Soil Conservation District		(5)
Ambulance District		458
Watershed District		(25)

Due District or (Refunds Due Sheriff)	\$	<u>356</u>
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FLEMING COUNTY
NOTES TO FINANCIAL STATEMENT

April 4, 2005

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The Sheriff's office tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a modified cash basis of accounting. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Deposits

The Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC). According to KRS 66.480(1)(d) and KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution. These requirements were met, and as of April 4, 2005, the Sheriff's deposits were fully insured or collateralized at a 100% level with collateral of pledged securities held by the Sheriff's agent in the Sheriff's name.

FLEMING COUNTY
NOTES TO FINANCIAL STATEMENT
April 4, 2005
(Continued)

Note 3. Tax Collection Period

Property Taxes

The real and personal property tax assessments were levied as of January 1, 2004. Property taxes were billed to finance governmental services for the year ended June 30, 2005. Liens are effective when the tax bills become delinquent. The collection period for these assessments was October 20, 2004 through April 4, 2005.

Note 4. Interest Income

The Fleming County Sheriff earned \$1,001 as interest income on 2004 taxes. The Sheriff distributed the appropriate amount to the school district as required by statute, and the remainder will be used to operate the Sheriff's office. As of August 26, 2005, the Sheriff owes \$208 in interest to his fee account.

Note 5. Sheriff's 10% Add-On Fee

The Fleming County Sheriff collected \$18,740 of 10% add-on fees allowed by KRS 134.430(3). This amount will be used to operate the Sheriff's office. As of August 26, 2005, the Sheriff owes \$13,740 in 10% add-on fees to his fee account.

Note 6. Advertising Costs And Fees

The Fleming County Sheriff collected \$918 of advertising costs and \$510 of advertising fees allowed by KRS 424.330(1) and KRS 134.440(2). As of August 26, 2005, the Sheriff owes \$510 in advertising fees to his fee account.

COMMENT AND RECOMMENDATION

FLEMING COUNTY
JERRY WAGNER, COUNTY SHERIFF
COMMENT AND RECOMMENDATION

As of April 4, 2005

INTERNAL CONTROL - REPORTABLE CONDITION:

The Sheriff's Office Lacks Adequate Segregation Of Duties

The Sheriff's office lacks an adequate segregation of duties. There is a limited staff size which prevents adequate division of responsibilities. The Sheriff should implement the following compensating controls to help offset the lack of adequate segregation of duties:

- Daily receipts reconciled to daily checkout sheets by a person who has no access to accounting records and who does not make deposits.
- Recording of receipts and disbursements ledgers by an individual who does not make deposits or sign checks.
- Bank reconciliation prepared monthly and agreed to the receipts and disbursements ledgers by an individual who has no access to accounting records, makes no deposits, or signs checks.

Sheriff's Response:

We need more help to be able to do this.

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REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON
COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Larry Foxworthy, Fleming County Judge/Executive
Honorable Jerry Wagner, Fleming County Sheriff
Members of the Fleming County Fiscal Court

**Report On Internal Control Over Financial Reporting And On
Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards**

We have audited the Fleming County Sheriff's Settlement - 2004 Taxes as of April 4, 2005, and have issued our report thereon dated August 26, 2005. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Fleming County Sheriff's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statement and not to provide an opinion on the internal control over financial reporting. However, we noted a certain matter involving the internal control over financial reporting and its operation that we consider to be a reportable condition. Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the internal control over financial reporting that, in our judgment, could adversely affect the entity's ability to record, process, summarize, and report financial data consistent with the assertions of management in the financial statement. The reportable condition is described in the accompanying comment and recommendation.

- The Sheriff's Office Lacks Adequate Segregation Of Duties

A material weakness is a reportable condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statement being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control that might be reportable conditions and, accordingly, would not necessarily disclose all reportable conditions that are also considered to be material weaknesses. However, we believe the reportable condition described above is not a material weakness.



Report On Internal Control Over Financial Reporting
And On Compliance And Other Matters Based On An Audit Of The
Financial Statement Performed In Accordance With Government Auditing Standards
(Continued)

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Fleming County Sheriff's Settlement - 2004 Taxes as of April 4, 2005 is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

This report is intended solely for the information and use of management and the Kentucky Governor's Office for Local Development, and is not intended to be and should not be used by anyone other than the specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Crit Luallen', with a long horizontal flourish extending to the right.

Crit Luallen
Auditor of Public Accounts

Audit fieldwork completed -
August 26, 2005

